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BGSTARKEY

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PAGE 02  
P. 02

Attorney Dkt: PC-1053CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED  
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DEC 21 2006

APPLICANT: STEPHEN D. BATTAGLINI

Serial No.: 10/027,035

Art Group: 3621

Filing Date: 12/27/2001

Which is a Continuation-In-Part of Serial No.: 09/965,510 filed 09/26/2001 which claims the benefit of priority to Provisional Application SN 60/235,782 Filed 09/26/2000

Examiner: Firmin Backer

For: INTEGRATED TECHNOLOGY MONEY TRANSFER SYSTEM

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

B. G. STARKEY declares that:

1. I am familiar with the present U.S. Patent Application 10/027,035 filed on 12/27/2001 which is a Continuation-In-Part of U.S. Patent Application 09/965,510 filed 09/26/2001 on which I was a co-inventor and which claims the benefit of priority to Provisional Application No. 60/235,782 Filed 09/26/2000, which is titled: Integrated Technology Money Transfer System.

2. I retired from Compaq which is now part of Hewlett Packard Corp.; in 1998. During my career, I had extensive contact and involvement with the Financial Industry. At Compaq I was responsible for Sales and Support for 100 large Corporate Accounts managed through four areas. Three geographic and one Financial Industry vertical plus a region support staff. Total organization of 110 employees and a shared revenue goal of \$3B for all Compaq products and services.

Tandem Computers Manufactured and Marketed Non-Stop computer systems for Companies that had the need for continuous non interrupted operation. This was particularly essential for Banks, Stock Exchanges etc. Most of the financial institutions in the U.S. and internationally, utilized Tandem computers for Money Transfers, ATM and other financial transactions. These included Bank of America, Morgan Bank, Chase Bank, Citicorp Bank, as well as Western Union's Money Transfer System. At Tandem, I was responsible for Sales and Support of Tandem products and services for the Northeast U.S. and a revenue goal of \$200M; Managed an organization of 125 employees in 4 Districts, Three Industry verticals in Banking, Securities and Telco, and one commercial, plus a region support staff in financial and marketing support.

As Vice President, Financial LOB (1995-1996) at Tandem, I had responsibility for Sales and Support Tandem products and services for all Financial Organizations within the U.S. and annual revenue goals of \$200m+. Introduced concept of utilizing "Industry

Attorney Dkt: PC-1053CIP

Intellectual Capital" and process for application solution development. Leadership of a 150 employee organization for strategic and tactical market development and increased market share. I have had experience as a business process Systems Engineer. In addition to the sales and maintenance of computer hardware, I was directly responsible for all money transfer and ATM applications.

Because of my interest in the application under consideration, I have continued to keep abreast of developments in the banking and financial industry with particular emphasis upon money transfers.

3. In the process of the research and development of the business process invention application under consideration, we utilized my experience as a business process Systems Engineer and my experience with non-stop computers and money transfer systems to collaborate with development engineers. We first engaged JB Fischer & Associates. I collaborated with engineer Jeffrey B. Fischer to determine the technical feasibility of creating the unique proprietary system and features of the business process invention under consideration. Mr. Fischer formally confirmed by opinion letter dated, March 5, 1999, that, "there are no technical barriers to implementation" and, that, "the system can be implemented for under \$2,500,000." We then engaged Edify Corporation, Santa Clara, CA, an established and proven solutions provider for the financial industry. I met and collaborated with solutions engineer Jay Holton who developed the business process invention's "prototype" and "proof of concept" submitted by Edify Corporation pursuant to contract. I am convinced that our business process invention will work, that it is unique, and that it will provide a fully-automated, lower cost than currently available, person to person, unplanned money transfer system.

4. The goal of the invention under consideration is to provide apparatus, methods and systems for transferring funds between a sender and a recipient wherein the transfer of funds is not affiliated with a sales transaction between a buyer and a seller.

5. I am familiar with the final office action dated July 28, 2006 and the cited U.S. Patent Application No. US-2005/0246541 by Ginter filed on 07/07/2005 which is division application of co-pending application No. 09/632,944 filed on 08/04/2000, which is a continuation of application No. 09/221,479 filed on 12/28/1998, now U.S. Patent No. 6,185,683 and others.

Ginter provides for a previously created escrow deposit holding funds pursuant to a transactional basis and the subsequent release of the fund upon completion of the transactional basis. It does not provide for the creation of, or the transfer of money to, the escrow account.

Ginter also provides a business process invention which in numerous ways may be utilized to implement aspects of business transactions such as in the paragraphs cited, the transfer of a buyer's previously made deposit to the sellers bank to implement a house sale closing. There is no understanding nor any discussions in Ginter for an unplanned, and non-transactional related, money transfer system as claimed in the business process claims of the application under consideration in which a person as, for example, a parent or friend, can transfer or send money in an "emergency", from that person's home touch tone telephone, using a debit card or credit card, to another person as, for example, the sending person's son,

08/09/2006 02:17 9732283807

BGSTARKEY

PAGE 04

DEC-21-2006 THU 03:48 PM BRIAN S STEINBERGER PA

FAX NO. 321 633 9322

Attorney Dkt: PC-1053CII

daughter or friend, who can receive the money with a magnetic card at an ATM. This example is for illustration purpose and not for limitation.

Nor does Ginter provide for a person to person money transfer system which market or service has been and still is, dominated by "Western Union" and "Moneygram" which services are not automated and which require the services of human persons to implement the transfer from the sender and/or the disbursement of the money to the recipient. In 1997 when the parent company which owned both "Western Union" and "Moneygram" was found to be a monopoly and "Moneygram" was sold to the public, it was discussed in S.E.C. documents that together they served approximately 97% of the U.S. to U.S., person to person, money transfer market. The other 3% also are not fully automated systems and are not similar to the subject matter claimed in the application under consideration. The subject matter claimed in the subject application offers competition in this monopolistic area of consumer services with its automated business process invention.

6. In my opinion and based on my experience there was no understanding nor any desirability to use the secure communication method and system of Ginter for transferring funds between a sender, a human person utilizing a touch tone telephone or computer modem (which only a human person can utilize), and a recipient, a human person utilizing an ATM or point of sale terminal (which only a human person can utilize), without a pre-existing transactional relationship between the sender and the recipient.

Based on my opinion and experience in this areas it would not have been anticipated by or obvious to a person of ordinary skill in the art to invent the methods and systems for transferring funds with the features claimed in claims 1-6, 8-16, 18-24 and 26-30 of the subject invention.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



B. G. Starkey

Dated: 12/21/06

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